

REMARKS/ARGUMENTS

Claims 3, 7 and 12 have been canceled. Claims 1, 2, 4-6 and 8-11 are active in the case. Claim 2 stands withdrawn from consideration. Reconsideration is respectfully requested.

The present invention relates to a process of preparing an aromatic heterocyclic boron compound using an iridium complex as a catalyst for the reaction.

Election/Restriction

The issue that has been raised in paragraph 3 on page 2 of the Office Action is believed obviated by the amendments made to the claims in which the scope of Claim 1 and 3-11 in part has been limited to elected Group I of the Office Action of November 27, 2006. Accordingly, the claims are believed in proper condition for immediate allowance of the application.

Reply to Paragraph 4

In amending Claim 1, the iridium containing catalyst has been limited to the structures identified in Claims 3 and 7 as formulas (X) and the ligand of formula (XI) of reduced scope. The rejection of the claims based on the first paragraph of 35 USC 112 is thereby overcome.

Claim Rejection, 35 USC 102(b) or 103(a)

The Examiner rejects Claims 1 and 3-11 on the basis that the Takagi et al publication antedates the 371 filing date of the present application of September 2, 2004 by more than one year. However, the correct U.S. filing date of the present application is not the national stage 371 date, but the filing date of March 5, 2003 of the international application. It is this date which is the effective filing date of the present application. The date of publication of the

Takagi et al article of August 5, 2002 is less than one year prior to the present international filing date. Thus, a rejection under 35 USC 102(b) can not be sustained. Withdrawal of the rejection is respectfully requested.

It is noted that the Examiner has indicated that the Tagata et al document does not qualify as available prior art.

Claim Objections

Since Claim 1 has been amended to the extent of the scope of elected Group I, the definition of Y or Z as possibly an imino group has been eliminated. Withdrawal of the objection is respectfully requested.

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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